

DEPARTMENT OF FOOD AND AGRICULTURE
PROPOSED AMENDMENT OF THE REGULATIONS

Title 3, California Code of Regulations

Section 3406, Mediterranean Fruit Fly Interior Quarantine

INITIAL STATEMENT OF REASONS

The specific purpose of Section 3406(b) is to provide authority for the State to regulate the movement and possible carriers of Mediterranean fruit fly (Medfly) from an area under quarantine to prevent the artificial spread of the Medfly to noninfested areas to protect California's agricultural industry. The regulation is intended to address the obligation of the Secretary of Food and Agriculture to protect the agricultural industry of California from the movement and spread of injurious pests within California (Food and Agricultural Code, Sections 5301 and 5302).

On September 9, 2009 an adult mated female Medfly was taken from a trap in the Escondido area of San Diego County. The detection of a mated female adult Mediterranean fruit fly was indicative of an incipient infestation of the fly in the Escondido area of San Diego County. Therefore, effective September 24, 2009, the Department amended Section 3406(b) to place approximately 77 square miles in the Escondido area of San Diego County under quarantine for the Medfly. Due to additional fly detections, the Department subsequently expanded the Escondido regulated area on September 24, December 16, 2009.

On October 28, 2009 three wild female Medflies, two sexually mature and mated, were taken from a trap in the Santa Monica area of Los Angeles County. This detection met the regulatory protocol for establishing a regulated area in the Santa Monica area of Los Angeles County. The Department added this area to the Medfly quarantine effective November 16, 2009.

On October 29, 2009 two wild male Medflies, one sexually mature, were taken from a trap in the Fallbrook area of San Diego County. This detection met the regulatory protocol for establishing a regulated area in the Fallbrook area of San Diego County. The Department added this area to the Medfly quarantine effective November 16, 2009.

The Department declared eradication of Medfly from the Fallbrook area on August 2, 2010, from the Escondido area on August 14, 2010 and predicted the same for the Santa Monica area, effective August 18, 2010. Therefore, it is no longer necessary to regulate the movement of hosts and possible carriers of the fly from these areas. The proposed amendments of Section 3406(b) will remove the Escondido and Fallbrook areas of San Diego County and the Santa Monica area of Los Angeles County from the area under quarantine for Medfly.

TECHNICAL, THEORETICAL, AND/OR EMPIRICAL STUDY, REPORTS, OR DOCUMENTS.

Memorandum from Debby Tanouye to Robert Leavitt, dated, August 2, 2010.

Memorandum from Debby Tanouye to Robert Leavitt, dated, August 14, 2010.

Email from Debby Tanouye to Stephen Brown, dated August 16, 2010.

REASONABLE ALTERNATIVES TO THE REGULATION AND THE AGENCY'S REASONS FOR REJECTING THOSE ALTERNATIVES.

No other alternatives were presented to or considered by the Department.

REASONABLE ALTERNATIVES TO THE PROPOSED REGULATORY ACTION THAT WOULD LESSEN ANY ADVERSE IMPACT ON SMALL BUSINESS.

The Department has not identified any alternatives that would lessen any adverse impact on small businesses.

EVIDENCE SUPPORTING FINDING OF NO SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESS.

Businesses that were impacted by the restrictions of the quarantine restriction for this area will no longer be impacted once the area is removed from the quarantine. Therefore, the amendment would not have an adverse economic impact on businesses.